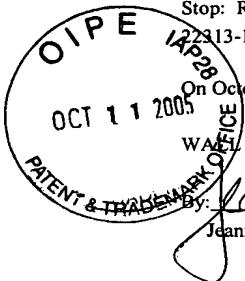


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PATENT
Express Mail Label No. EV554212470US
Attorney Docket No.: 283-280



On October 11, 2005

WAHL MARJAMA & BILINSKI LLP

Jeannine C. Schirripa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert Hussey et al.

Application No.: 09/766,922

Filed: January 22, 2001

For: Optical Reader Having Reduced Parameter Determination Delay

Examiner: Jerome Grant II

Art Unit: 2626

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97 and §1.98

Mail Stop: RCE
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of references AI, AK and AL are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(h), no inference should be made that the information and references cited are material to patentability. Also, no inference should be made that a reference is prior art merely because it is included in this statement. Under 37 CFR §1.97(g), the submission of an Information Disclosure Statement should not be considered as representation that a search has been made.

The present Information Disclosure Statement is being filed to make of record various references including a recent action received in a corresponding EP patent application (Summons To Attend Oral Proceeding received from Foreign Associate July 5, 2005) and is further being filed to make of record claims recently entered in the following commonly assigned applications: (1) Application No. 11/238,176, Bar Code Reading Device Having Partial Frame Image Capture Operating Mode, Attorney Docket No. 283-280 Con, Filed September 28, 2005; and (2) Application No. 10/801,937 (2004/0262392 A1).

The above references were previously submitted in an Information Disclosure Statement dated October 5, 2005. After the filing of that Information Disclosure Statement, applicants representative further reviewed the October 5, 2005 Information Disclosure Statement in connection with the voluminous provisions of the Manual of Patent Examining Procedure §609 and noted that there appears to be uncertainty whether a statement under 37 C.F.R. §1.97(e)(1) or under 37 C.F.R. §1.97(e)(2) is appropriate when submitting as a reference a communication from a foreign patent office which is not a reference "cited in" a communication from a foreign patent office. Applicants also noted that the statement accompanying the October 5, 2005 Information Disclosure Statement inadvertently did not explicitly state all of the elements that are outlined in 37 C.F.R. §1.97(e)(2). In order to moot potential questions regarding the completeness of the October 5, 2005 Information Disclosure Statement and in order to submit additional references (including Application No. 10/775,983 [2005/0056699] and an Office action and references cited therein), a Request for Continued Examination is filed concurrently with this present Information Disclosure Statement. The filing of the Request for Continued Examination removes the requirement of a statement under 37 C.F.R. §1.97(e).

Applicants believe that a fee is required for submission of this statement. A check in the amount of \$180.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

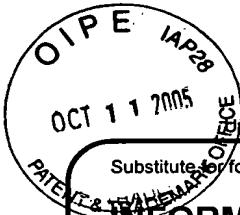
Date: October 11, 2005

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PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 1

Substitute for Form 1449B/PTO <i>U.S. Patent and Trademark Office</i> INFORMATION DISCLOSURE STATEMENT BY APPLICANT Express Mail No. EV554212470US (use as many sheets as necessary)				Complete if Known	
Sheet	1	of	1	Application Number	09/766,922
				Filing Date	January 22, 2001
				First Named Inventor	Robert Hussey et al.
				Art Unit	2626
				Examiner Name	Jerome Grant, II
				Attorney Docket Number	283-280

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

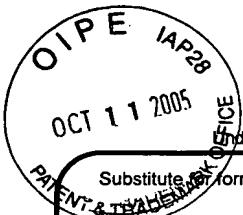
Examiner Signature		Date Considered	
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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Sheet 1 of 1

Complete if Known

Application Number	09/766,922
Filing Date	January 22, 2001
First Named Inventor	Robert Hussey et al.
Art Unit	2626
Examiner Name	Jerome Grant, II
Attorney Docket Number	283-280

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AK	EP Application No. 02723063.0-2210, Summons To Attend Oral Proceeding, dated July 1, 2005, received from Foreign Associate July 5, 2005	
	AL	SYMBOL TECHNOLOGIES, Inc., LS 4800 Series Product Reference Guide, May 1996, Holtsville, NY	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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